Felt in China.

COMMERCIAL GUILDS.

Denial by the Chinese Legation That

It Intends to Bring Suit for

Deported Chinamen.

All hope of the success of the pending

negotiations of the new Chinese exclusion

treaty has for the present been abandoned

by the Chinese officials as a result of the

China since it became known that it was

planned to transfer the negotiations to

Peking and that the Department of Com-

merce and Labor was insisting upon its

own interpretation of the exclusion law.

Reports have reached the Chinese legation

of the extent of this feeling throughout

hostility of the Chinese commercial guilds

to American goods. This hostility, it is

said, would result in a general boycott

against United States products even were

it possible to conclude the exclusion treaty

The Chinese legation here characterizes

as absurd the various reports in circulation that it intends to bring suit in the Supreme

Court of the United States in behalf of Chi-

nese excluded or deported in violation of the

treaty of 1888.

The first claim for damages reached the

legation this morning from a Chinese mer-chant arrested in Seattle. This claim is now being investigated. Mr. John W. Foster, ex-Secretary of State,

and for a long time adviser of the Chi-nese legation, will give the minister such counsel in the adjustment of these claims

Sir Liang is maintaining a discreet si-lence about the present situation and re-frains from criticising any officials who have been associated in the negotiations. The minister has leased a cottage at Am-

The minister has leased a cottage at Amherst, Mass., for the summer, the scene of his school days, and will spend the summer there with his family. He had a long conference with Mr. Phillips, the new secretary of the United States legation at Peking, this morning.

Mr. Charles Denby, formerly secretary of the United States legation.

the United States legation at Peking, and son of the late minister at that place, has

Chang as the directing spirit in China's intercourse with foreign nations, and in the

reorganization of the army. Mr. Denby left China for the United States before the

beginning of the present agitation in the former country looking to boycotting Unit-

ed States goods in retaliation for severe exclusion laws, so he could not tell the

extent of the movement, though the resi-dent Chinese minister here has received cablegrams indicating that it is formid-

LABOR LEADERS IN COURT.

Burns Faction and Hayes Faction

Striving for Supremacy.

Justice Barnard, in Circuit Court No. 1,

today denied the application of the Burns

faction of the Knights of Labor for the

ter of this city to deliver to them all mail

addressed to the order, and not to the

Next, the Burns faction, in support of the

quo warranto proceedings, filed suit in equity for injunction, the object being to

erjoin the Hay's faction from claiming to be and acting as officers of the order of the

Knights of Labor, and from receiving any

Further, it was asked that the Hayes fac-

tion be restrained from disposing of any of the property of the order. When the equity

cause was called to the attention of Justice

Anderson he set the hearing upon the ap-

plication for a temporary restraining order

for next Monday.

It was explained by counsel for the Burns

faction that the action taken today in the

Supreme Court of the District of Columbia is In addition to the appeal they are now

APARTMENT HOUSE SOLD.

A Large Residence Part of the Con-

A transaction of considerable magnitude

involving \$150,000, has just been consum-

mated by Mr. E. C. Brainerd, real estate

broker, in connection with Messrs. Fill, Van

Dyke & Fill, whereby the new apart-

ment house, known as the Don Carlos, lo-

cated on the north side of O street be-

tween 20th and 21st stree! was transferred to Mr. Charles S. Wilson of this city for

\$150,000. The Don Carlos was built by Messrs. Newman & Smith, who also built

the Walsh residence. It yields an income of \$10,500 per annum. Mr. Wilson purchased

at 1116 Vermont avenue, which he valued at \$40,000, paying a cash difference.

Case of Smallpox Discovered.

A case of smallpox was developed at Ta-

koma Park last evening, and Dr. Wood-

ward, health officer of the District of Co-

lumbia, held a consultation today with

Dr. D. S. Fulton, chairman of the Mary-

land state board of health, and Dr. Ful-

ton is authority for the statement that the

health officer for Montgomery county will

The case which developed yesterday was that of Miss Amelia Nelson, a Seventh-day

Adventist, and she was conveyed to the

A conference was held this morning at Takoma Park to discuss the smallpox sit-

vation, at which were present Mayor J. B. Kinnear, Health Officer J. H. Van Houten,

the Seventh Day Adventists and Balliff George Day.

At the conclusion of the meeting Dr. Par-

In speaking of the situation today to a Star reporter Mayor Kinnear said:

"There need be no alarm on the part of the residents of Takoma Park. Everything

has been done and is being done to prevent its spread, and as the patient was removed to the hospital before any eruptions ap-peared. No danger now exists.

Personal Mention.

Mr. Oscar S. Straus, the well-known New

York philanthropist, is at the New Wil-

Col. A. B. Andrews, first vice president

investigate the matter at once.

District smallpox hospital.

osecuting before the Supreme Court of

mail or money addressed to them officially

Hayes faction to make answer.

Haves faction.

or to the order.

writ of mandamus to compel the postmas

s'he may wish.

for the employers. Chairman W. E. Dever expressed himself as satisfied with the

progress made. tion today was the change of front on the part of teamsters in entering into negotiations with the team owners and consider-ing a proposition from that body to arbi-trate the question of deliveries to the boycotted houses. Should the teamsters' council at its meeting tonight accept the team owners' arbitration proffer it was generally believed today that the end of the strike is at hand. An adverse decision of an arbi-tration committee compelling the drivers to deliver goods wherever their employers should desire would be the signal for raising the strike against all business firms now affected except the State street de partment stores, the express companies and e coal concerns.

No Show of Weakness.

Officials of the Teamsters' Union, while admitting that the arbitration proposal of the team owners would probably be accepted by the teamsters' joint council to-night, denied today that this was to be taken as showing any weakness on the part of the strike against strike-bound houses "To be sure, this is arbitration of a prin "To be sure, this is arbitration of a prin-ciple rather than a condition," said A. J. Reed, secretary of the Furniture Drivers' Union, today, "It is a bad thing to arbi-trate, for it sets, a bad precedent. However, in this case it may be the equitable thing to arbitrate it so that a general tie-up of the teaming industry may be averted."

Revoked a License.

Mayor Dunne today carried out his threat to revoke the license of any cab driver who violated the city ordinance by refusing to carry passengers to the strike-bound stores. The driver who will no longer be permitted to do business in this city because of a refusal to break the boycott of the unions is Thomas D. Doherty, president of the cabmen's union. The evidence was procured by a detective who laid a trap for the union official, and not only, it is alleged, caught Doherty violating the ordinances providing that passengers shall be carried to their destination, but also found the cabman disregarding the fare regulations of the city ordinance and making an

THENATIONALTHEATER

CLOSED BECAUSE THE WEST WALL HAS BEEN UNDERMINED.

Building Inspector Snowden Ashford this afternoon condemned the front portion of the National Theater building, and no more performances will be given at that playhouse for a week at least. The rear portion of the building, containing the auditorium and stage, was not formally condemned, but Mr. Ashford strongly advised against permitting its use. Manager Rapley of the theater agreed that the public might be subjected to some danger and readily consented to close the playhouse

The Cause of the Difficulty.

The discovery was made today that the west wall of the theater has sunk about three inches, leaving cracks in several places, and rendering that portion of the building unsafe. Manager Rapley of the New National was in consultation with the local building authorities all day to determine whether the theater would have to be condemned. The cracks are caused by the shrinking of the clay which constitutes the foundation of the building.

The theatrical performance scheduled at the National for last evening was called off. According to one report this was due to the absence of Joseph Wheelock, jr., one of the actors, but another report had it that the theater had been closed as a precaution against accident.

Building Inspector Ashford has required the tenants in the south and west portions of the building to vacate temporarily. Mr. Ashford was called upon to day to condemn the theater, and a consultation was had at noon to determine whether the condition would warrant this action. Representatives of the George A. Fuller Company, which is erecting the new building adjacent to the theated, and other engineers were presnt, but no conclusion was reached.

The contractors for the building adjacent to the theater dug close to the wall of the theater in preparing the foundation for the new structure, and in so doing encountered a very wet blue clay. In order to facilitate their work pumps were in-stalled and the clay drained of water. According to the building inspector this same character of clay is underneath the National, and when the pumps started to work this clay also was drained. When the clay began to dry out it shrunk, says Mr. Ashford, and the sinking of the walls

resulted.

Mr. Rapley is doing all in his power to the public from possible harm, and when the engineers advised against opening the theater this evening he willingly complied. But at the same time he did not care to close the playhouse and lose money if there was no danger. For this reason the engineers were called into consultation.

Undermined the Wall.

The contractors for the new building and the inspectors in the local building inspector's office have been busy and have practically "honeycombed" the theater building with massive joists and cables calculated to prevent further slipping Mr. Ashford explained today to a representative of The Star that there is no immediate and direct danger to the theater itself, as it is separated from the front of the building by a wall.

Mr. Ashford says the front, or south-western, portion of the building could fall without affecting the portion of the build-ing containing the auditorium and stage. It was called to his attention, however, that should the front wall fall while an audience was in the auditorium the crash would surely cause a panic among the audi-

tors, and fatalities might result.

It was also suggested that should the front of the building fall the main exit and the western exits might be closed with debris, thus blocking the way and preventing the escape of those in the theater auditorium. This condition was also admitted to he possible by Mr. Askford but he to be possible by Mr. Ashford, but he doubted his authority to "demand" the closing of the theater because of such "indirect" possible results.

RESIGNATION WITHDRAWN. Policeman McNinch Demands Trial on Charges.

Harry A. McNinch, a private of the third precinct, says he was informed by Major and Superintendent of Police Richard Sylvester that he must either tender his resignation at once or suffer dismissal from the

McNinch then signed a typewritten resignation which Major Sylvester had prepared. He has written the District Commissioners asking for a trial upon any charges that may be filed against him. He has withdrawn his resignation, he says, since considering the matter and ascertain-

ing his rights in the premises.

McNinch alleges that he was summon before the major and superintendent May 18 and charged by him with having broken the rules of the metropolitan police force in having engaged in an altercation with one of the officers of the force

CRUISED DETROIT AGROUND. Admiral Bradford Reports Port Pro-

peller Disabled. The Navy Department today received a cablegram from Rear Admiral Bradford. commanding the Caribbean squadron, stating that the Detroit had gone aground at Puerto Plata yesterday and that her port propeller was totally disabled. Admiral Bradford left Santo Domingo City for Puerto Plata yesterday to investigate.

Lieut. Col. Comegys Retired.

Lieut. Col. Edward T. Comegys, deputy surgeon general, stationed at Manila, P. I., has been placed on the retired list on account of disability incurred in the line of duty. Col. Comegys is a graduate of Harvard University and the Miami Medical College, and was appointed from Ohio an assistant surgeon in the army in June, 1875, reaching his present grade of lieu-tenant colonel in the medical department

Be Bought at Present.

TO WAIT ON CONGRESS ANNOUNCEMENT TODAY MAY CAUSE BOYCOTT DEFENDS ASSOCIATES

NEEDED TO BE PURCHASED.

Mean That the Administration Has Changed Its Policy.

Secretary Taft has decided not to buy any foreign built ships at present nor to purchase abroad any material for the Panama canal construction beyond that needed for immediate use. That decision does not mean that the President and Secretary Taft have in any degree changed the policy recently announced, to govern purchases for the canal work. But it does mean that they do not intend to take any unfair advantage of the present situation by stocking up heavily in material and ships, in anticipation of restrictive legislation by

Cengress at its next session. It is stated that the President and Secretary Taft would gladly receive any instructions from Congress and execute them in the spirit in which the legislation is conceived, and if Congress directs that only American ships and material are to be used, even though the cost of the canal construction is thereby increased, that course will be pursued.

The Law in the Case.

But as the law stands the material must be bought in the cheapest market, in the view of the President, Secretary Taft and Chairman Shonts. They have discovered that Congress itself practically held that view in the case of the Philippine transport service. Secretary Root wrote a letter to the House committee on military affairs May 21, 1902, "warmly approving a pending measure authorizing a preference to American shipping in the Philippine trade, provided the charges made did not exceed the prices paid to owners of foreign vessels more than 10 per cent. This measure was favorably reported by the House committee on military affairs, but according to Secretary Root's indorsement on the pa-pers, 'was defeated on the floor of the House on the avowed ground that it would amount to a government shipping sub-

No Abnormal Purchases.

Some representations have been made to the executive that if the execution of the new policy is delayed until Congress reassembles, directive legislation will be had immediately thereafter. So the decision was reached to make no abnormal purchases of material at this time, while as to the needed shipping, the canal commission will proceed immediately to charter such foreign ships as may be necessary to construction material to the

CALLED FROM NEW YORK.

Henry W. Bean Heard in the Bowen-Loomis Affair.

Secretary Taft has examined the witness in the Bowen-Loomis case summoned by him from New York. He is Mr. Henry Willard Bean, now a resident of New York, who was the local agent in Caracas of the New York and Bermudez Asphalt Company when Mr. Loomis was minister there. He was called by Secretary Taft to testify concerning the \$10,000 check cashed for Mr. Loomis by the asphalt company, which Mr. Loomis states was merely a matter of exchange. Senor Pastor y Mora also gave testimony on that point Wednesday before the President and Secretary Taft at the White House. Secretary Taft hopes that it will not be necessary to call other witnesses in the case. He is now awaiting the sub-mission by Mr. Loomis of his rejoinder, which is expected this afternoon.

Mr. Bowen called at the War Department about noon to obtain a copy of a paper re-lating to the case submitted by him orig-As has been already stated, Mr Russell, United States minister to Colombia, has been appointed United States minister to Venezuela, but he will not be legally in-stalled until he arrives at Caracas and takes the oath of office. Mr. Bowen's status is that of United States minister to Venezuela in the United States on leave of ab-sence. Under no circumstances will he return to that country. If exonerated by the present investigation he will be assigned to a diplomatic post in another country, but otherwise he will be dropped from the gov-

STAHL NOT DISCOURAGED.

ernment service entirely.

Nationals Victims of Several Bad Breaks.

DETROIT, Mich., May 19.-The Nationals have been the victims of a bad break since the western trip began. The thing hasn't fallen right for them at any stage of it. After a postponed game at Cleveland the Lajoie gang picked up two games the most impartial observers called flukes of the purest rays serene; then after shutting the Clevelands out and showing that town something of the real material of which the Stahl crew is made, the Nationals come along to Detroit, and after two postponed games, find themselves on grounds deep in mire, and lose on that account and on the additional account that all of the men of the team are sorely in need of work. If the bad weather follows the club the corpulence of the unexercised Stahl outfit

een noticed among the Boston players.

Jake Stahl Isn't discouraged over the bad break up to date, although he is, of course, naturally chagrined that the other fellows have been enjoying all of the luck. double header today ought to get the Na-ticnals something. Townsend and Jacob-sen are booked for the twirling. Patten was nowhere near right yesterday. He was there with the goods after he had settled down, but he seems to be developing the habit of failing to get into his stride until after two or three innings have started a lot of good things for the crowd. Warmer weather will change all this so far as Case is concerned. Townsend and Jacobsen are in good condition, considering the lack of work lately, and both of them are confident of getting by today. The weather is fine and a bumper turnout is looked for on the first bargain day in the

will begin to be noticed, as it has already

WANTS BRYAN SUMMONED.

Echo of His Suit in Philo Bennett

Special Dispatch to The Star. NEW HAVEN, Conn., May 19.—Judge Stoddard, attorney for Mrs. Philo Bennett, made a sensational motion in the superior court this afternoon, asking that William J. Bryan, executor of the estate of the late Mr. Bennett, be summoned here immediately to explain his administration of certain features of the estate. After talking to the presiding judge a few minutes, Judge Stoddard had his motion passed and a telegram was sent to Mr. Bryan, summoning him

Admiral Dewey Much Better. Admiral Dewey, who was taken sick in New York city last Saturday night, was reported to be much better this morning, but

Court of Appeals Bench.

ONLY MATERIAL IMMEDIATELY WILL BE SUCCESSOR OF JUSTICE

It is Announced That This Does Not Formerly Served as a Member of the Supreme Court of the

District.

MARTIN F. MORRIS.

It was announced at the White House today by Attorney General Moody that ex-Senator Louis E. McComas of Maryland will shortly be named as an associate justice of the Court of Appeals of the District of Columbia. He will succeed Justice Martin F. Morris, who has written to the President of his intention to retire. Justice Morrls was appointed to his present position at the time the court was created, April 15, 1893, and has been eligible for retirement for two years.

Mr. McComas was at the White House yesterday and had a talk with the President. It was pretty well understood then that he would probably return to the bench. He was one of the judges of the Supreme Court of the District at the time he was elected senator from Maryland, and his return will be pleasing to his friends. Members of the local bar, although having a high opinion of Mr. McComas, pre-ferred to see a District man named for the honor, and a delegation called upon the President today before the announcement was made. It consisted of George E. Hamilton, A. H. Worthington, R. Ross Perry and Walter V. R. Berry. They had, it is said, concluded that J. J. Darlington would be a most suitable man for the position and had decided to present his parse. sition and had decided to present his name.
When they did so they learned the bent
of the President's mind and did not press
the question any further. Mr. Darlington was in no sense a candidate, but the high esteem in which he is held by the local bar made the leaders conclude that the use of his name might induce the President to give the vacancy to a local man.

Justice Morris' Statement.

It was recently reported that Justice Morris was somewhat indifferent to retiring and that he would not do so unless he felt that a District man would be named to succeed him, but this was evidently incorrect, as in his letter to the President notifying him of his intention to leave the bench he said that it was his understanding that Mr. McComas would succeed him.
This would indicate, therefore, that Justice Morris' retirement had been made that
Mr. McComas might be the beneficiary.
The President has felt friendly to Mr. Mc-Comas for years and would have taken the first opportunity to place him upon the bench anyhow. The retirement of Justice Morris simply hastened his purpose.

Former Service on Bench. Louis E. McComas of Maryland subscribed to the oath of office as an associate justice of the Supreme Court of the District of Columbia November 22, 1892 He served on the District Supreme bench until the early part of 1899, when he resigned, in order to take his seat in the United States Senate, to which he had been chosen.

Therefore, the individual who is to succeed Martin F. Morris as an associate justice of the Court of Appeals of the District of Columbia is well known to the members The personnel of the Supreme Court of pletely since Justice McComas resigned as

member of that tribunal. The vacancy created when he entered the senate was filled by the appointment of Justice Cla-baugh, now chief justice and the senior nember. in term of service, of the District Supreme Court.

BRADDOCK'S ROCK

To Be Marked by Daughters of Founders and Patriots

It has been suggested by P. V. DeGraw, fourth assistant postmaster general, to Mrs. H. V. Boynton, former secretary general of the Daughters of Founders and Patriots of America, that the historic spot to be marked this year by that society be the place where the forces of General Braddock landed in their incursion against the French and Indians.

In his letter to Mrs. Boynton, calling attention to the matter, Mr. De Graw says he came across it during his maneuvers in connection with the speedway, and that it is still marked by a tree, although the ad-joining territory has been filled in to a depth of some twenty feet. The rock that is said by tradition to have been the one used as a stepping stone for the troops when they landed is at the foot of what is now known as Observatory Hill, at 23d and B streets northwest. The tree stands

A quotation is made from a work entitled, "Pictures of the City of Washington in the Past," by Samuel C. Busey, M.D., LL.D., and follows: "Tradition has it that the expedition of Braddock against the French and Indians landed at the foot of the present Observatory Hill, and a rock at the riverside was for years known as 'Brad-dock's Rock,' and was pointed out as the place of landing.'

INTERRUPTED THE FUNERAL.

Allegations Made to Police Resulted in Holding an Autopsy.

After the remains of Estelle Chestnut, colored, nine years of age, had ben placed in a little casket and prepared for burial this afternoon it was found necessary to

perform an autopsy on the body.

A communication had been received by Major Sylvester alleging that the girl's death was probably due to violence. The autopsy by Deputy Coroner Glazebrook, however, disclosed that the Chestnut child's death resulted from meningitis, as was stated on the death certificate by Dr. was stated on the death certificate by Dr. Martin, the attending physician, The funeral then proceeded to Galbraith Church and thence to Harmony Cemetery at a late hour this afternoon.

Belmont Park Races. special Dispatch to The Star.

BELMONT RACE TRACK, N. Y., May 30.-Following are the entries for tomor-

First race, selling; seven furlongs, main course—Sailor Boy, 103; Delcanta, 103; *Jerry C., 108; *Probe, 98; *Little Woods, 102; *Josie B., 93; *The Gadfly, 105; *Jet-

Second race-Two-year-olds; selling; four and one-half furlongs; straight. Little Ben, 102; Gentian, 102; Evelyn J., 99; Cala-bogue, 105; Hooray, 106; Marius Caius, 102; *Just, 97; *Little Sphinx, 94; *Mintla, 97. Third race, National Stallion; five furlongs, straight—First Water, 122; Vendor, 122; Capias, 122; Veronese, 122; Merry Boy, 122; Timber, 122; Comedienne, 119; Flimnap, 122; Clark Griffth, 117; Sandy D. (formerly Sandy Dingwall), 117.
Sandy Dingwall), 117.
Fourth race, the Ladies', one mile—Gold
Ten, 121; Kiamesha, 121; Coymaid, 121; Jennie McCabe, 121; Flinders, 121; Incantation,
121; *Tradition, 121; *Zeala, 121.

* Doubtful.

Fifth race—The interpolational state.

Fifth race—The international steeple-chase, about two miles. Flying Buttress, 159; Flying Virginian, 156; Arian, 153; Ogress, 146; Ivan, 144; Rube, 140; Mel-bourne Eclipse, 138; Gortnagallon, 137; Gascar, 135.

Sixth race, handicap, one mile—Migraine, 23; Jonquil, 122 Rostand, 118; Witch Hazel, 117; Priority, 107.
Clear fast. *Apprentice allowances.

Messrs. E. M. Clendening, L. M. Miller, W. P. Trickett, H. B. Topping and F. A. Faxon, capitalists of Kansas City, Mo., are stopping at the Raleigh. They are here to appear before the interstate commerce com-mittee of the Senate upon the raliroad rate

WILL CHARTER SHIPS McCOMAS THE CHOICE NO HOPE OF A TREATY MR. CLEMENTS HEARD

No Foreign Built Vessels to Former Senator to Go on Resentment at This Country Senate Committee Listens to the Commissioner.

COMBINED HOSTILITY OF THE HAVE NO DESIRE TO FIX RATES OF THE RAILWAYS.

> Says That Charge Was Made Merely for "Scare Effect"-Early Beginning of Today's Meeting.

The Senate committee on interstate commerce, which is investigating the railroadrate problem, met at 10 o'clock this morning instead of 11, as usual, and from now on to the end of the month will work early and late in order to get through with the large number of witnesses still to be heard. Mr. Judson C. Clements, a member of the interstate commerce commission, was heard at some length. He took severely to task the railroad men who had criticised the interstate commerce commission. The course of that body had been arraigned without the Chinese empire and of the combind due cause, he said, and he protested that not a particle of proof could be brought to substantiate the assertions that had been made. Commissioner Clements then reviewed the work of the commission since its organization. He told of the difficulties it had encountered, of the obstacles it had surmounted, of the new and valuable legislation it had secured, and said it was easy for those who did not appreciate just what had been accomplished to speak of the com-missioners as amateurs and to sneer at the results of their labors

No Desire to Fix Rates. Commissioner Clements said there was no desire on the part of the commission for power or aggrandizement. The commission did not want to fix the rates of the country, and no such intimation had been given. That was used for scare effect by the rail-

road men, he said.

The commission, he said, had for ten years made recommendations for amend-ment of the law, but the railroad men had paid no attention to the matter until the President had recommended such amend-

"Why," he asked, "did not these men attack the President, Secretary Taft, Representative Williams and Mr. Bryan?" all of whom, he said, were advocating the legis-lation, instead of arraigning the commis-

son of the late minister at that place, has arrived in Washington and called at the State and War Deprtment. Mr. Denby surrendered his secretaryship in order to acept the post of advisor to the famous Yuan Shi-kai, the Viceroy of Chi Li, who has practically succeeded the late Li Hung Chang are the directing spirit in China's The commission never asked more than had been recommended by the President, yet the President was spoken of with respect while there was nothing but criticisms of the alleged thirst of power of the commission and also criticism because the commission did not correct evils. Judge Clements spoke with an air of con-viction, and with an apparent intimate

knowledge of the matters under discussion. He was listened to with attention, and his utterances made a very apparent impres-sion upon the members of the committee. Opposed to Rate-Making Commission. Mr. Charles A. Painter, an iron and steel manufacturer of Pittsburg, said that the

designation of a commission to fix and control railroad rates would be the worst thing that could happen. Mr. Robert Gates, who is at the head of the industrial department of the Louisville and Nashville railroad, also opposed the idea of a rate-making commission.

DEMURRER SUSTAINED.

Policeman Hile to Be Given a Hearing by Commissioners.

Chief Justice Clabaugh, in Circuit Court Without loss of time after the decision No. 2, today sustained the demurrer of was announced the Burns faction, through Policeman Joseph Hile to the answer of the Attorneys R. Golden Donaldson and John Commissioners of the District of Columbia Ridout, instituted proceedings in quo warto Hile's petition for the writ of mandamus. ranto, the object being to testify the valid-The court further ordered that the writ be issued, requiring the District Commissioners egally constituted officers of the Knights to vacate their order dismissing Hile as a The petition for the writ of quo warmember of the metropolitan police force ranto was presented to Justice Barnard and he signed the usual order, calling upon the and to give him a hearing before the board

of Commissioners, as asked by him. According to the court's ruling, one member of the board of District Commissioners, in charge of a particular department, such as the police force, cannot act finally on matters in regard to which a citizen is entitled by law to a hearing before the board of Comissioners, when such a hearing is de-

anded. It was pointed out that the case involved an important question affecting the rights of policemen, who, under authority of Congress, it was declared, could not be re-moved from the force except after trial, the right of appeal and a hearing before the board of Commissioners. Further, it was remarked that the order dismissing Policeman Hile from the force carried with it deprivation of the right to participate in the benefits of the police pension fund, and to ever after hold office as a member of the

police force of the District. The court was informed by Policeman Hile that last February he was cited to appear before the police trial board to answer charges that he permitted William Burge, arrested for murder, to escape while in his custody at the Homeopathic Hospital. The defense of the policeman was that the escape of the prisoner was due to the inse-curity of the ward of the hospital wherein he was a patient. It was added that Burge was recaptured within three hours.

The police trial board adjudged the policeman to be guilty, and recommended that he be fined \$25, the same to be paid in five equal installments. Hile applied to the District Commissioners for a hearing, but his application was refused. Upon the report of the trial board Commissioner West indorsed a recommendation of dismissal which recommendation was approved by the other Commissioners. From this action Policeman Hile appealed, contending that he was entitled to a hearing before the board the property as an investment, and in part payment he conveyed to Messrs. Newman & Smith his own residence and stable, located of Commissioners and that the Commissioners were without power to increase a penalty fixed by the trial board. Next he instituted the proceedings for writ of man-damus. Policeman Hile was represented by Attorneys Lambert & Baker.

INSTANTLY KILLED.

Awful Death of Insane Convict Patient at St. Elizabeth's.

Throwing himself in front of a train in the grounds of St. Elizabeth's Hospital for the Insane this morning, Michael Nazad, a convict patient from Indian Territory, was run over and instantly killed. The deceased was about forty years old and had been in the hospital some time. He was sent there for safe keeping and treatment, but was allowed the freedom of the grounds. About 10 o'clock this forenoon he was on

the lower part of the grounds near the power house and patiently awaited the arrival of a freight train on the Shepherd's wharf branch of the Baltimore and Ohio At the conclusion of the meeting Dr. Parsons was ordered to proceed at once and take all necessary precautions against the spread of the disease. The residence of Mr. Maurice Appleby, on Carroll avenue, has been thoroughly fumigated and the occupants of the house vaccinated. standing, he threw himself across the tracks directly in front of the moving train and was cut almost in halves before the engineer could stop the train.

A ghastly sight was presented by the body, and other insane patients who saw the result of the accident showed that they were not without some feeling in the mat-

> The remains of the unfortunate man were removed to the morgue connected with the hospital. The police learned of the affair and notified the coroner. This afternoon Coroner Nevitt investi-gated the affair and gave the necessary death certificate. Nothing could be ascer-tained from the doctors on duty at the

Col. A. B. Andrews, first vice president of the Southern Railway Company, arrived in the city last evening and is a guest at the Raleigh.

Lieut. Commander Harrison C. Bispham, United States navy, and Mrs. Bispham, are guests at the Ebbitt.

Col. W. A. Post, president of the Newport News Shipbuilding Company, is at the Palaigh Yellow Fever Patients Doing Well. Colonel Gorgas, from Panama, reports one case of yellow fever since the last report, namely George Whiten, an American employe, at Colon, taken on the 12th.

All of the cases are doing well.

Colonel Gorgas, from Panama, reports the Navy Department that the action in the case in question was in strict conformity with the practice of the department since the establishment of the Naval Academy.

It was at first reported that the midship-

____ THE ____ SUNDAY STAR

Interesting Features of Next Sunday's Magazine.

The Sunday Magazine constitutes part three of The Sunday Star. The next issue will contain a vast amount of entertaining reading matter, much of it appropriately illustrated by leading artists of the day. The following are some of the principal articles to appear Sunday.

THE TEAR IN LITERATURE

By Richard Le Gallienne, who thinks that emotion and sentiment have been banished by cynicism and brutality, and that the rough rider has his literary counterpart in the rough writer; but the latter, in his opinion, is mainly an affectation, and his bloodthirstiness is a pose, and his hardness of heart as artificial as his courage, and the blood in which he makes believe to dip his pen is merely red ink, after all. Mr. Le Gallienne concludes that there are tears of joy as well as tears of sorrow, and that it is one of the miracles of literature that even the books of sorrow bring us joy in the reading.

CAPTAIN JOSEPH BROGGER

A delightful short story by Morley Roberts, who spent seventeen years in roughing it in all parts of the world. He sailed before the mast in the British navy, worked as a railroad and ranch hand in Australia, roughed it in nearly every one of the western states and territories, subsequently going to Africa and other remote lands. The story related in "Captain Brogger" is based upon a sailor's actual experience at Portland, Ore. An unpopular captain is shanghaied by a pair of saloon keepers and comes to his senses as a sailor before the mast of the ship he formerly com-

THE SHRINE OF SHOKONSHA

William Dinwiddie, the American war correspondent, formerly of Washington, writes entertainingly of the national war museum where the Japanese of Shintoism faith pray for success. This great war museum is to Japan what the tower of London is to old England, and is filled with the treasures and trophies of wars dating back for many centuries. To this museum will also be brought the trophies the Japanese arms are now winning from

ONE TOUCH OF GENIUS

By Richard Barker Shelton, one of the New England coterie of successful short story writers. This is an unusual little tale, in which the hero is just an ordinary tramp. How this poor hobo in tatters repaid a little kindness done him by a railroad man furnishes one of the most thrilling short stories The Sunday Magzine has recently published.

SOULS ON FIRE

Louis Tracy's great serial is rapidly reaching a climax. After the wonderful manifestation of displeasure on the part of the Icon in the Dukhof Monastery Chapel, the father and brother of the Lady Ermyntrude find themselves still prisoners in charge of the monks, but at the prince's castle events are proceeding more rapidly. The fury of Prince Boris upon returning to his castle, unable to find any trace of his kidnaped bride, was vented upon his unfortunate servants until one of them discloses what he saw and overheard in the chapel, thus convincing the prince that he was the victim of a deep-laid plot.

GALATEA

By Kate M. Cleary, a short story with love as its theme. Galatea was just an innocent black cat that never knew it once served as an emissary of Cupid.

Clever short skits and verses are contributed by Frank B. Welch, Alexander Ricketts, Ellen Manly, Clinton Dangerfield, Mary Roberts Rinehart and Harriet Whitney Durbin.

The colored cover design, entitled "In May Time," is by Blendon Campbell, his first effort for The Sunday Magazine.

THE COMIC SUPPLEMENT

The interesting characters depicted every week in the comic supplement are already known to thousands of Star readers, both old and young. "Willie Cute" and his companions have some very funny experiences, which are shown in this issue.

READERS OF THE SUNDAY STAR

The Sunday Star has far more readers in Washington than any other Sunday paper, and more readers to whom the paper is delivered by carriers in their homes than the other Washington Sunday papers combined.

MIDSHIPMAN NOT SUSTAINED.

Had Claimed That a Court-Martial Was Necessary to ismiss Him.

A midshipman at the Naval Academy, who was recently dismissed by the Secretary of the Navy on the recommendation of the superintendent of the academy for infractions of the rules, has formally questioned the legality of his dismissal on the ground that the statutes prohibit the dismissal of an officer of the navy except by court-marasylum this afternoon respecting the man who had taken his life. His body will be interred in the cemetery connected with the institution. of the navy within the meaning of the particular statute referred to. It is stated at

man who raised the point was Bradley T.
Johnson, grandson of the confederate general of that name, appointed by President
Roosevelt and recently dismissed from the
academy by Secretary Morton because of
repeated violations of the regulations, but
an inquiry showed that such was not the

Kepler Committed Suicide.

NEW YORK, May 19 .- A coroner's jury today returned a verdict that Herbert L. Kepler of Deland, Fla., who was found in tial proceedings. The question having been a hotel here yesterday, came to his death referred to the Attorney General he has by morphine taken with suicidal intent. given an opinion that midshipmen at the Mrs. Dona Miller, who came here with Naval Academy are not considered officers | Kepler from Deland two weeks ago, and who was with him when he died, was dis-

American League.

from his home in Nebraska. Judge Stoddard would not make public the points of which he demands an explana-